1 2 3 4 5	DAVID R. FISCHER, ESQ. Nevada Bar No. 10348 LAW OFFICE OF DAVID R. FISCHER 400 South 4 th Street, Suite 500 Las Vegas, Nevada 89101 Telephone: (702) 547-3944 Facsimile: (702) 974-1458 Email: info@fischerlawlv.com Attorney for Defendant ANDRE ARAUJO RODRIGUES				
6 7	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA				
8					
9	UNITED STATES OF AMERICA, Plaintiff,	Case No.: 2:17-cr-00001-JAD-CWH-3			
10	VS.				
11		STIPULATION TO CONTINUE			
12	ANDRE ARAUJO RODRIGUES,	HEARING FOR SENTENCING			
13	Defendant.	(Second Request)			
14	IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas Trutanich,				
15	United States Attorney, and Patrick Burns, Esq., Assistant United States Attorney, David R.				
16	Fischer, Esq., counsel for defendant ANDRE ARAUJO RODRIGUES, that the Hearing for				
17	Sentencing in the above-captioned matter set for Tuesday, January 22, 2019 at 9:00 A.M. be				
18	vacated and continued to a date and time convenient to the Court but no earlier than sixty (60)				
	vacated and continued to a date and time conv	venient to the Court but no earlier than sixty (60)			
19	vacated and continued to a date and time convidays.	venient to the Court but no earlier than sixty (60)			
19 20					
	days. This Stipulation for the continuance is 6	entered into for the following reasons:			
20	days. This Stipulation for the continuance is 6				
20 21	days. This Stipulation for the continuance is 6	entered into for the following reasons:			

- 2. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that "the court may, for good cause, change any limits prescribed in this rule";
- 3. Patrick Burns, Esq., Attorney for the Government, informs that he intends to file additional charge(s), which will require additional time for the defense to review and discuss with defendant:
- 4. Patrick Burns, Esq., Attorney for the Government, has stipulated to the proposed continuance;
- 5. Counsel communicated with the Defendant, ANDRE ARAUJO RODRIGUES, who is currently in custody at the Nevada Southern Detention Center, and he agrees with the continuance;
- 6. This is the second request for a continuance filed herein.

WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a continuance of the Sentencing Hearing to be set to a date and time convenient to the Court but no earlier than sixty (60) days.

DATED this 17th day of January, 2019

/s/ Patrick Burns

PATRICK BURNS, ESQ. Assistant United States Attorney Counsel for the United States

/s/ David R. Fischer

DAVID R. FISCHER, ESQ. Counsel for Defendant RODRIGUES

CERTIFICATE OF ELECTRONIC SERVICE

2	I HEREBY CERTIFY that I am an employee or agent of the LAW OFFICE OF DAVI			
3	R. FISCHER and am a person of such age and discretion as to be competent to serve papers.			
4	That on the 17 th day of January, 2019, I served a copy of the above and foregoing			
5	STIPULATION TO CONTINUE SENTENCING HEARING in the following			
6	manner(s):			
7				
8	of Nevada, the above-referenced document was electronically filed and served on all appearing partic			
9	through the Notice of Electronic Filing automatically generated by the Court.			
10	☐ UNITED STATES MAIL: By depositing a true and correct copy of the above referenced document into the			
11	United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailin			
	address(es):			
12 13	ANDRE ARAUJO RODRIGUES Nevada Southern Detention Center 2190 East Mesquite Avenue Pahrump, NV 89060			
14	☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above referenced document for			
15	overnight delivery via a nationally-recognized courier, addressed to the parties listed below at their las			
16	known mailing address.			
17	☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the			
18	attached service list at the facsimile numbers set forth thereon.			
19	☐ EMAIL: By sending the above-referenced document via email to those persons at the email addresses s			
20	forth below:			
21				
22	<u>/s/ David R Fischer</u> DAVID R. FISCHER, ESQ.			
	Attorney for Defendant RODRIGUES			
23				

2	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA			
3 4 5	UNITED STATES OF AMERICA, Plaintiff,		Case No.: 2:17-cr-00001-JAD-CWH-3	
6 7	vs. ANDRE ARAUJO RODRIGUES,		FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER	
8	Defendant.			
9				
10	FINDINGS OF FACT			
11	Based on the pending Stipulation of counsel, and good cause appearing therefore, the			
12	Court finds that:			
13				
14	1.	1 ,	Defendant, ANDRE ARAUJO RODRIGUES;	
15	2.	2. The additional time requested by this Stipulation is reasonable pursuant to Federa		
16		cause, change any limits prescribed	(2), which states that "the court may, for good in this rule";	
17	3.			
18		additional charge(s), which will require additional time for the defense to review and		
19		discuss with defendant;		
20	4.	4. Patrick Burns, Esq., Attorney for the Government, has stipulated to the proposed		
21	5.	continuance;5. Counsel communicated with the Defendant, ANDRE ARAUJO RODRIGUES, who		
22		is currently in custody at the Nevada Southern Detention Center, and he agrees with		
23		the continuance;		
24	6.	6. This is the second request for a continuance filed herein		
	1			

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

ORDER

IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for Tuesday, January 22, 2019, at 9:00 A.M., be continued to April 2, 2019, at the hour of 10:00 a.m.

DATED this 17th day of January, 2019.

HONORABLE CARL W HOFFMAN
UNITED STATES MAGISTRATE JUDGE
JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE